

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MASSACHUSETTS

WILLIAM M. TYREE
P.O. BOX-100
SOUTH WALPOLE, MA. 02071
PLAINTIFF, Pro se

C.A. 04-11430-RCL

V.

AFFIDAVIT OF WILLIAM M. TYREE
IN SUPPORT OF MOTION FOR SERVICE
ON CID AGENT JOSEPH BURZENSKI,
U.S. ARMY, (RETIRED).

UNITED STATES ARMY
CID AGENT PAUL MASON (Retired)
CID AGENT JOSEPH BURZENSKI (Retired)
DEFENDANTS
U.S. Department of Justice
John J. Moakley Courthouse
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210
(Main phone: 617-748-3100)
Counsel for Defendants

I, William M. Tyree, on oath state:

1. That, I am the named Plaintiff in the above entitled case.
2. That, as the moving party in this action I am required to move this case forward.
3. That, I did in good faith attempt to serve Defendant Burzenski via Certified U.S. Mail, Return Receipt Requested, which this Defendant refused to accept as of July 14, 2004.
4. That, I am without specific funding to pay for any service other than Certified Mail, as I have been incarcerated for the past 25 years due to the illegal actions of the Defendants in this case which have only recently come to light and are now before this U.S. District Court.
5. That, I have moved for an Order directing the U.S. Marshal to make service on Defendant Burzenski, or in the alternative, to


Page two

Order that I may serve the Summons and Amended Complaint for Defendant Burzenski on the U.S. Attorney for the State of Massachusetts.

6. That, in order for this case to go forward, I need a ruling on this matter at the earliest date the USDC can arrange.
7. That, if the USDC does not order this relief the Defendant Burzenski will continue to ignore service, escape process, and judicial review of his civil rights violations alleged within the Amended Complaint before this USDC.

Signed under the pains and penalties of perjury on this date,

July 22, 2004

A handwritten signature in cursive script, appearing to read "William M. Tyree", written over a horizontal line.

William M. Tyree
Pro se, P.O. Box-100
S. Walpole, MA. 02071

United States District Court

EASTERN

DISTRICT OF

MASSACHUSETTS

SUMMONS IN A CIVIL ACTION

WILLIAM M. TYREE

V.

U.S. ARMY CID AGENT JOSEPH BURZENSKI (Retired)
U.S. Department of Justice
John J. Moakley Courthouse
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210

CASE NUMBER
04-11430 RCL

TO: (Name and Address of Defendant)

Defendant Joseph Burzenski
~~XXXXXXXXXXXXXXXXXXXX~~
138 Country Lane
Leominster, MA. 01453

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

William M. Tyree
Pro se
P.O. Box-100
S. Walpole, MA. 02071

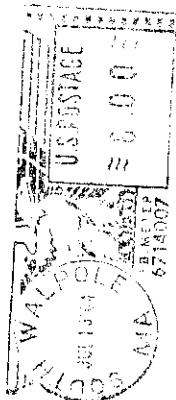
an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

TONY ANASTAS
CLERK

DATE

6-29-04

BY DEPUTY CLERK

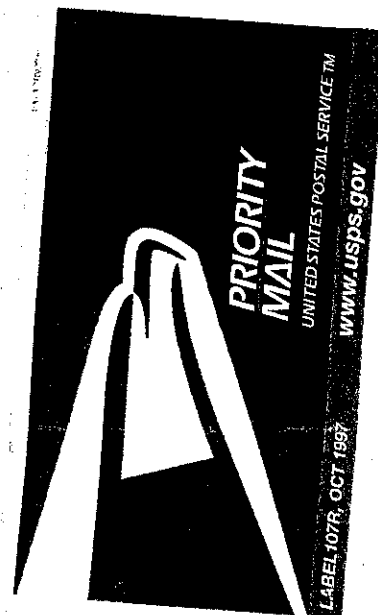


7003 0500 0004 5797 6829

FROM: Bill Tyree
Pro se
P.O. Box-100
S. Walpole, MA. 02071

TO: Joseph Burzenski, USA Retired
138 Country Lane
Leominster, MA. 01453

Certified U.S. Mail

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph Burzenski
138 Country Lane
Leominster, MA. 01453

2. Article Number
(Transfer from service label)

7003 0500 0004 5797 6829

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1035

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail☐ Registered ☒ Return Receipt for Merchandise☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

if not delivered in 10 days

Return to

Box 100, South Walpole, Mass. 02071

V.

UNITED STATES ARMY
CID AGENT PAUL MASON (Retired)
CID AGENT JOSEPH BURZENSKI (Retired)
DEFENDANTS
U.S. Department of Justice
John J. Moakley Courthouse
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210
(Main phone: 617-748-3100)
Counsel for Defendants

C.A. 04-11430-RCL

AFFIDAVIT OF WILLIAM M. TYREE
ATTESTING TO SERVICE OF THE
SUMMONS, AMENDED COMPLAINT,
AND SUPPORTING DOCUMENTS SEEN
IN ATTACHED LETTER OF JULY 3,
2004 ON DEFENDANT(S) U.S. ARMY,
AND CID AGENT PAUL MASON.

I, William M. Tyree, on oath state:

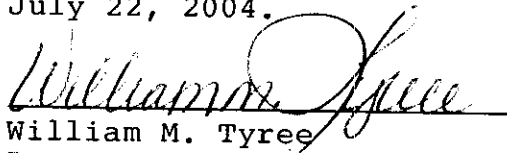
1. That, I am the named Plaintiff in the above entitled case.
2. That, I did serve the Defendant(s) U.S. Army, and CID Agent Paul Mason, via Certified U.S. Mail Return Receipt Requested to their counsel of record, the U.S. Attorney, State of Massachusetts. Service was effected on the U.S. Attorney for the following reasons:
 - (a). U.S. Attorney represents the United States Army for matters in the Commonwealth of Massachusetts;
 - (b). the whereabouts of CID Agent Paul Mason, (USA, Retired), is unknown to me.
3. That, the Certified Mail Packets to the U.S. Army, and to CID Agent Paul Mason, were both delivered and signed for on July 15, 2004, see attached Certified Mail Cards to verify that fact.
4. That, the Certified Mail Return Receipt Requested package to

Page two

CID Agent Joseph Burzenski, (USA, Retired), was refused as of July 14, 2004.

5. That, service has been made on Defendant(s) U.S. Army and CID Agent Paul Mason.

Signed under the pains and penalties of perjury on this date,
July 22, 2004.

A handwritten signature in cursive script, appearing to read "William M. Tyree", written over a horizontal line.

William M. Tyree
Pro se
P.O. Box-100
S. Walpole, MA. 02071

July 3, 2004

United States District Court
Attn: Lawrence P. Cohen
United States Magistrate-Judge
John J. Moakley Courthouse
1 Courthouse Way, Suite 7420
Boston, Massachusetts 02210

&

United States District Court
Attn: United States Attorney
State Of Massachusetts
John J. Moakley Courthouse
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210

RE: Tyree v. U.S. Army, Et al.
C.A. 04-11430-RCL - Filed 6/23/04.

Dear Magistrate Cohen and U.S. Attorney Sullivan:

In addition to the individual summons served on Defendant U.S. Army, Defendant U.S. Army CID Agent Paul Mason, and U.S. Army CID Agent Joseph Burzenski, please find the following in this packet which is served on all parties in this case:

- 1- Subpoena to U.S. Attorney Sullivan (for U.S. Army Document: "Verified USA DA Form 4187 1 May 74");
- 1- Subpoena to U.S. Army Records Keeper at the Pentagon (for "Verified USA DA Form 4187 1 May 74");
- 1- Subpoena to U.S. Army Records Keeper at U.S. Army Reserve Personnel Center, St. Louis, MO. (for "Verified USA DA Form 4187 1 May 74");

* All subpoenas were served on U.S. Attorney Sullivan as counsel of record for the United States government;


- 1- Plaintiff's Motion To file Two Sided Copies Of Pleadings With The United States District Court;
- 1- Affidavit Of The Plaintiff Confirming Nolle Prosequi And Dismissal Of Criminal Charges For Insufficient Evidence Which Brought About False Arrest;
- 1- Plaintiff's Motion For The United States District Court Magistrate To Adopt The Plaintiff's Proposed Finding Of Fact And Conclusion Of Law On The Plaintiff's Amended

Page three

If I can be of further assistance please do not hesitate to contact me at the address below.

Thank you for your time in this matter.

Respectfully submitted,


William M. Tyree

Pro se

P.O. Box-100

S. Walpole, MA. 02071

cc: Defendant(s) Mason and Burzenski
file

UNITED STATES POSTAL SERVICE

26


 First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Bill Tyree

P.O. Box-100

S. Walpole, MA. 02071

01



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

 1. Article Addressed to:
 U.S. Dept. of Justice
 John J. Moakley Courthouse
 1 Courthouse Way, Suite 9200
 Boston, Massachusetts
 02210

Attn: Michael J. Sullivan

 2. Article Number
 (Transfer from service label)

7003 0500 0004 5798 4671

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1035

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Michael J. Sullivan*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$ 3.95

Certified Fee

2.30

Return Receipt Fee
(Endorsement Required)

1.75

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Sent To

U.S. Dept. of Justice

Street, Apt. No.

1 Courthouse Way, Suite 9200

City, State, ZIP+4

Boston, MA. 02210

PS Form 3800, June 2002

See Reverse for Instructions

7003 0500 0004 5798 4671

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Paul Mason/Dept. of Justice
John J. Moakley Courthouse
1 Courthouse Way, Suite 9200
Boston, Massachusetts
02210

2. Article Number

(Transfer from service label)

7003 0500 0004 5797 6812

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-100

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X John J. Moakley ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below: ☐ Yes ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE

26



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Bill Tyree

P.O. Box-100

S. Walpole, MA. 02071

07140100

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

3.95

Certified Fee

230

Return Receipt Fee
(Endorsement Required)

175

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Sent To

Paul Mason/Dept. of Justice

Street Apt. No.

1 Courthouse Way, Suite 9200

City, State, ZIP+4

Boston, MA. 02210

PS Form 3800, June 2002

See Reverse for Instructions